

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOLOMON FARR,

No. CIV.S-05-0847 GEB DAD PS

Plaintiff,

v.

FINDINGS AND RECOMMENDATIONS

CITY OF FAIRFIELD, et al.,

Defendants.

Plaintiff, proceeding in this action pro se, initiated this action by filing an application to proceed in forma pauperis on October 4, 2004. The matter was referred to a United States Magistrate Judge by Local Rule 72-302(21) pursuant to 28 U.S.C. § 636(b)(1).

By order filed April 29, 2005, plaintiff's application to proceed in forma pauperis was granted and the Clerk of the Court was directed to file plaintiff's complaint and open this matter as a civil action. In addition, plaintiff was directed to submit the necessary materials for service to the United States Marshal within thirty days.

1 Plaintiff was properly served with the April 29, 2005, order
2 both at the address listed on his application to proceed in forma
3 pauperis and the address listed on his complaint. The copy of the
4 order served on the former address was returned as undeliverable on
5 May 6, 2005.¹ The copy served on the address listed on the complaint
6 has not been returned, but this second copy was served over thirty
7 days ago and plaintiff has not responded to the order.

8 Accordingly, plaintiff having failed to submit the necessary
9 materials for service to the United States Marshal as directed, the
10 court HEREBY RECOMMENDS that this action be dismissed without
11 prejudice. See L.R. 11-110; Fed. R. Civ. P. 41(b).

12 The Clerk of the Court is hereby directed to serve these
13 findings and recommendations on both addresses for plaintiff referred
14 to herein.

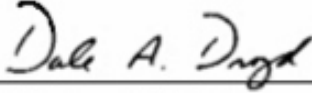
15 These findings and recommendations are submitted to the
16 United States District Judge assigned to the case, pursuant to the
17 provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being
18 served with these findings and recommendations, plaintiff may file
19 written objections with the court. Such a document should be
20 captioned "Objections to Magistrate Judge's Findings and
21 Recommendations." Plaintiff is advised that failure to file
22 objections within the specified time may waive the right to appeal the

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24
25 ¹ It is the plaintiff's responsibility to keep the court
26 apprised of his current address at all times. Pursuant to Local Rule
83-182(f), service of documents at the record address of the party is
fully effective.

District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 8, 2005.



DALE A. DRCZD
UNITED STATES MAGISTRATE JUDGE

DAD:th
ddad1/orders.prose/farr0847.f&r.dism.2